

REMARKS

In the Office Action of August 12, 2009, the drawings were objected to because the unlabeled rectangular boxes in figures 1-4 allegedly should be provided with descriptive text labels. In addition, claims 6, 8, 9 and 28-36 were objected to because of informalities. Furthermore, claims 1-4, 7 and 8 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 7,106,380 (“Willis”). Claims 16 and 20-27 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 6,392,712 (“Gryskiewicz et al.”). Claims 5, 6 and 9-15 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Willis in view of U.S. Patent No. 6,658,056 (“Duruoz et al.”). Claims 17-19 and 40 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gryskiewicz et al. in view of U.S. Patent No. 6,574,423 (“Oshima et al.”). Claims 31, 32 and 35-39 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gryskiewicz et al. in view of Willis and Duruoz et al.

With respect to the drawing rejections, Applicant respectfully declines to add descriptive labels to the blank boxes in Figs. 1-4. The drawing requirements for U.S. National Stage applications are identified in MPEP 1825 and descriptive labels are not required under PCT Rule 11.11. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In view of the above, Applicant respectfully asserts that descriptive labels are not required in the current application. Thus, Applicant respectfully requests that the drawing objections be withdrawn.

With respect to the claim objections, Applicant has amended claims 6, 8, 9 and 28-36 to correct the noted informalities. As such, Applicant respectfully requests that the claim objections be withdrawn.

With respect to the claim rejections, Applicant has amended the independent claims 16, 27 and 40 to more clearly distinguish the claimed invention from the cited references. As amended, the independent claims 1, 16, 27 and 40 are allowable over the relevant cited references, as explained below. In view of the claim amendments

and the following remarks, Applicant respectfully requests that the pending claims 1-40 be allowed.

A. Patentability of Independent Claim 1

The independent claim 1 recites as follows:

*“at times providing video frames of a performance at a slower input rate;
at other times providing video frames of the performance at a faster input
rate;
switching a video display to display frames in first display scan mode when
receiving frames at the slower input rate; and
switching the video display to display frames in a second display scan mode
when receiving frames at the faster input rate, the second display scan mode being
different than the first display scan mode.”*

These claim limitations of the independent claim 1 are not disclosed in the cited reference of Willis. Thus, the independent claim 1 is not anticipated by Willis. As such, Applicant respectfully requests that the independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Willis discloses a frame rate multiplier 10 that receives an input video that is used to generate both a delayed signal 20 and a real time signal 24, which are simultaneously input to a multiplexer 26, as illustrated in Fig. 6. That is, in the frame rate multiplier 10, the delayed signal 20 and the real time signal 24 are not provided at different times. Consequently, the cited reference of Willis fails to disclose the limitations of “***at times*** providing video frames of a performance at a slower input rate” (emphasis added) and “***at other times*** providing video frames of the performance at a faster input rate” (emphasis added), as recited in the independent claim 1.

In addition, since the delayed signal 20 and the real time signal 24 in the frame rate multiplier 10 of Willis are simultaneously provided to the multiplexer 26, the frame rate multiplier cannot switch a liquid crystal display 30 to display frames in different display scan modes depending on whether frames are being received at different input rates. Consequently, the cited reference of Willis fails to disclose the limitations of “*switching a video display to display frames in first display scan mode when receiving frames at the slower input rate*” and “*switching the video display to display frames in a second display scan mode when receiving frames at the faster input rate, the second display scan mode being different than the first display scan mode,*” as recited in the independent claim 1.

Since each limitation of the independent claim 1 is not disclosed in the cited reference of Willis, the independent claim 1 is not anticipated by the cited reference of Willis. As such, Applicant respectfully requests that the independent claim 1 be allowed.

B. Patentability of Amended Independent Claims 16 and 27

As amended, the independent claim 16 recites as follows:

“at times providing video frames from a video program source at a slower input rate;
displaying the frames received at the slower input rate;
at other times providing video frames from the video program source at a higher input rate;
combining the frames received at the higher input rate into combined frames at the slower frame rate; and
displaying the combined frames at the slower frame rate.”

These claim limitations of the amended independent claim 16 are not disclosed in the cited reference of Gryskiewicz et al. Thus, the amended independent claim 16 is not anticipated by Gryskiewicz et al. As such, Applicant respectfully requests that the amended independent claim 16 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Gryskiewicz et al. discloses a system that receives both an interlaced video data stream 120 and a progressive video data stream 130. However, Gryskiewicz et al. fails to disclose that both the interlaced video data stream 120 and the progressive video data stream 130 are from the same video program source. Consequently, the cited reference of Gryskiewicz et al. fails to disclose the limitations of “*at times providing video frames from a video program source at a slower input rate*” and “*at other times providing video frames from the video program source at a higher input rate,*” as recited in the amended independent claim 16.

In addition, in the system of Gryskiewicz et al., the frame rate of the interlaced video data stream 120 is increased from 30 Hz to 60 Hz when transmitted from a transmitter 106 as progressive video 122, while the frame rate of the progressive video data stream 130 remain 60 Hz when transmitted from a transmitter 114 as progressive video 130, as described in the paragraph that begins on line 63 in column 5. The progressive video 122 and the progressive video 130 are then mixed by a mixer 156 to produce data for display. However, Gryskiewicz et al. fails to disclose that the data from the mixer are displayed at the lower rate, i.e., 30 Hz. Consequently, the cited reference of Gryskiewicz et al. fails to disclose the limitation of “*displaying the combined frames at the slower frame rate,*” as recited in the amended independent claim 16.

Since each limitation of the amended independent claim 16 is not disclosed in the cited reference of Gryskiewicz et al., the amended independent claim 16 is not anticipated by the cited reference of Gryskiewicz et al. As such, Applicant respectfully requests that the amended independent claim 16 be allowed.

The above remarks are also applicable to the amended independent claim 27, which recites limitations similar to those of the amended independent claim 16. As

such, Applicant respectfully requests that the amended independent claim 27 be allowed as well.

C. Patentability of Amended Independent Claim 40

As amended, the independent claim 40 recites as follows:

“a video display for displaying video frames from a video source at one of a multitude of different predetermined display scan rates;

a user input device for selecting a frame rate and a corresponding display scan mode of the video display from among multiple different predetermined display scan modes, the video frame display rate of the video display depending on the display scan mode; and

a transmitter to transmit the selected frame rate to the video source to provide frames at an average rate depending on the selection.”

These claim limitations of the amended independent claim 16 are not disclosed in the cited references of Gryskiewicz et al. and Oshima et al. Thus, the amended independent claim 40 is not obvious over Gryskiewicz et al. in view of Oshima et al.

The Office Action on page 14 states that the cited reference of Gryskiewicz et al. discloses “receiver (150) transmits video to an analog display, which reads on the claimed, ‘a transmitter to transmit the selected frame rate to the video source to provide frames at an average rate depending on the selection,’ as disclosed at column 8, lines 59-65.” However, the receiver 150 described in Gryskiewicz et al. does not transmit any selected frame rate to a video source, i.e., a source of the interlaced video data stream 120 or the progressive video data stream 130. Consequently, the cited reference of Gryskiewicz et al. fails to disclose the limitation of “*a transmitter to transmit the selected frame rate to the video source to provide frames at an average rate depending on the selection,*” as recited in the amended independent claim 40.

In addition, the Office Action on page 15 states that the cited reference of Oshima et al. at column 7, lines 1-12, discloses the claimed limitation of “*a user input device for selecting a frame rate and a corresponding display scan mode of the video*

display from among multiple different predetermined display scan modes, the video frame display rate of the video display depending on the display scan mode.”

However, the cited passage of Oshima et al. does not even mention any frame rate or any display scan mode of a video display. Thus, the cited reference of Oshima et al. fails to disclose the claimed “*user input device.*”

Since some of the limitations of the amended independent claim 40 are not disclosed in the cited references of Gryskiewicz et al. and Oshima et al., the amended independent claim 40 is not obvious over Gryskiewicz et al. in view of Oshima et al. As such, Applicant respectfully requests that the amended independent claim 40 be allowed.

D. Patentability of Dependent Claims 2-15, 17-26 and 28-39

Each of the dependent claims 2-15, 17-26 and 28-39 depends on one of the independent claims 1, 16 and 27. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for the same reasons as their respective base claims. However, these dependent claims may be allowable for additional reasons.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Richard Chi-Te Shen

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By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300